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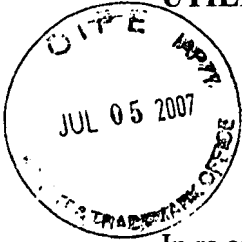
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/153,621
	Filing Date	September 15, 1998
	First Named Inventor	Roger Q. Smith et al.
	Art Unit	2841
	Examiner Name	T. Dinh
Total Number of Pages in This Submission	Attorney Docket Number	TN-1444

ENCLOSURES (check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Black & Decker Inc.		
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Printed Name	Adan Ayala, Esq.		
Date	July 2, 2007	Reg. No.	38,373

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Adan Ayala, Esq.	Date	July 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Roger Q. SMITH et al.**Serial No.: **09/153,621**Examiner: **T. Dinh**Filed: **September 15, 1998**Group Art Unit: **2841**For: **HEAVY-DUTY AUDIO EQUIPMENT**Assistant Commissioner for Patents
Washington, DC 20231**RESPONSE TO OFFICE ACTION**

I, Adan Ayala, Reg. No. 38,373, certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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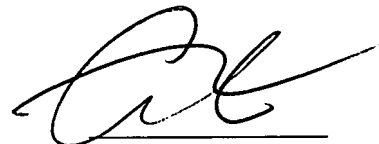
Adan Ayala

Dear Sir:

In response to the Office Action mailed June 18, 2007, Applicants hereby submit the Evidence and Related Proceedings Appendix requested by the Board of Appeals.

No fee is due. Nevertheless, the Commissioner is hereby authorized to charge payment of any fees due in processing this petition, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Adan Ayala
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(410) 716-2368

EVIDENCE APPENDIX

The following lists the evidence being submitted herein and previously entered by the Examiner:

1-Print-out of the definition of “thermometer” from the Merriam-Webster’s Online Dictionary (www.m-w.com). Applicants/Appellant admit that such definition was not previously submitted to the Examiner. Nonetheless, Applicants/Appellant request that the Board ignore such submission and rely instead on the plain language meaning of the word “thermometer” in the discussion referring to such print-out in the Appeal Brief, in order to expedite the consideration and resolution of the present appeal, which has been pending since December 10, 2004.

2-Declaration of Michael L. O’Banion dated September 6, 2002; submitted with Response to Office Action filed on September 9, 2002, and entered by the Examiner according to the final Office Action of November 7, 2002. A copy of this declaration was also submitted with an Appeal Brief mailed on January 28, 2003.